

REMARKS/ARGUMENTS

The Examiner has provisionally rejected claims 21-23 of the above referenced application based upon the judicially created doctrine of non-statutory double patenting. The Applicant respectfully traverses the Examiner's argument on the grounds that the amended claims do not qualify as an obvious modification of either co pending Application No. 10/728,689 (cited in the rejection) or Application No. 10/728,596.

The Examiner stated that "Claims 21-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 31, 33, 35, of co pending Application No. 10/728,689. Although the conflicting claims are not identical, they are not patentably distinct from each other because both application teach a portable communicator comprising a wireless communication means; a computer which outputs control commands to the wireless communication means; two displays which shows predetermined images; display means showing the standby-for-reception status of the portable communicator on the two displays."

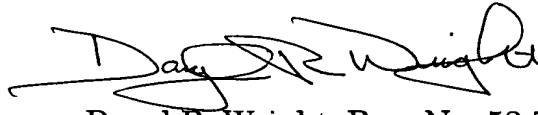
The modified claims of the current invention claim a portable communicator where the display shows a list of options. Input and output take place using the display. And the selection option is shown on the display. This limitation of the claims is neither taught, suggested, nor implied by claims of the co pending applications. Therefore, since MPEP §2143.03 requires that "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art," for at least the reason shown, the Examiner has not met his burden of establishing a *prima facie* case of obviousness between this application and the other cited applications.

In response to the original rejection, specifically claims 31, 33, and 35, of the Application No. 10/728,689, the modified claims of the current invention do not claim two displays or a display means showing the standby-for-reception status of the portable communicator on the two displays. Therefore, the original rejection is now considered moot.

In view of the above, reconsideration of the rejection is respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daryl R. Wright', is written over the typed name.

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